

PATENT

Attorney Docket No. 044481-5017-03

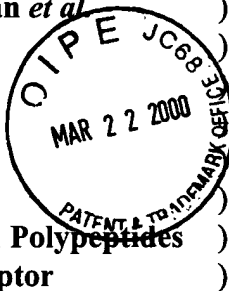
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ramakrishnan et al**)

Application No. **09/003,810**)

Filed: **January 7, 1998**)

For: **Inhibitory Immunoglobulin Polypeptides**)
to Human PDGF beta Receptor)



Group Art Unit: 1644

Examiner: Phillip Gambel

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO SPECIES ELECTION REQUIREMENT UNDER 35 U.S.C. § 121

In response to the Species Election dated December 22, 1999 (Paper No. 11), the period for response to which has been extended through March 22, 2000 by the accompanying two month extension of time, Applicants hereby elect Species A (restenosis) while traversing the restriction requirement. With regard to the traversal of the restriction requirement, Applicants respectfully assert that the Office Action has not met the burden of establishing that the species of the restriction are patentably distinct. Furthermore, the Office Action has not established that an undue burden would be placed on the Examiner if required to search the claimed species together as opposed to separately. Applicants understand that the additional species will be examined under the provisions of 37 C.F.R. § 1.141 upon allowance of a generic claim.

Except for issues payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

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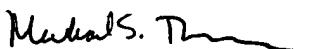
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Page 2

Dated: March 22, 2000
Morgan, Lewis & Bockius LLP
Customer No. 09629
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000

Respectfully submitted
Morgan, Lewis & Bockius LLP



Michael S. Tuscan
Registration No. 43,210